

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIAM

Application of San Diego Gas & Electric Company (U902E) for Authorization to Recover Costs Related to the 2007 Southern California Wildfires Recorded in the Wildfire Expense Memorandum Account (WEMA).

Application 15-09-010 (Filed September 25, 2015)

CHIEF ADMINISTRATIVE LAW JUDGE RULING ON MOTION FOR REASSIGNMENT ON PEREMPTORY CHALLENGE

The Commission's Rules of Practice and Procedure, Article 9, Rules 9.2 - 9.8 specify the exclusive means for a party to a proceeding to request reassignment of that proceeding to another Administrative Law Judge (ALJ). These rules provide for three forms of Motion for Reassignment: peremptory challenge (Rule 9.2), prior service (Rule 9.3), and cause (Rule 9.4). The first two, peremptory challenge and prior service, are only available in proceedings categorized as adjudicatory or ratesetting.

On October 14, 2016, San Diego Gas & Electric Company (SDG&E) filed a Motion for Reassignment on Peremptory Challenge of this proceeding to another ALJ. This Motion was filed under Rule 9.2(b), and thereby seeks reassignment on peremptory challenge. As provided in Rule 9.2(d), I am issuing a ruling on that Motion.

A properly supported Motion seeking reassignment on peremptory challenge can only be filed by a party or a person or entity declaring the intention in good faith to become a party to a ratesetting proceeding. A party is entitled to file a motion only once for reassignment on peremptory challenge,

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however, no more than two reassignments pursuant to this subsection shall be permitted in the same proceeding (Rule 9.2(b)). Finally, any such motion must be filed timely.

Timely Filed

The Rules require this motion to be filed no later than 10 days after the date of the notice. In this proceeding, notice of the assignment occurred for purposes of Rule 9.2(c) on October 4, 2016. Since the Motion was filed on October 14, 2016, it was timely filed.

Available Procedure

SDG&E was named Applicant to this proceeding and therefore is a party. The Utility Reform Network (TURN) is the only party that has previously filed a peremptory challenge for reassignment of this proceeding, which was granted by the Chief Administrative Law Judge on November 12, 2015, so the procedure is available. This proceeding is categorized as "ratesetting." Moving for Reassignment on Peremptory Challenge is allowed in ratesetting proceedings. TURN filed an opposition asserting that SDG&E's declaration did not satisfy the requirements of Rule 9.2(b). SDG&E's declaration in form and substance satisfies the requirements of Rule 9.2(b).

Properly Supported

The Rules require that a Motion be supported by a declaration under penalty of perjury (or affidavit by out-of-state person). This Motion is so supported by SDG&E.

Therefore, **IT IS RULED** that the Motion for Reassignment on Peremptory Challenge filed by San Diego Gas & Electric Company is granted. This proceeding is reassigned to Administrative Law Judge S. Pat Tsen.

Dated October 24, 2016, at San Francisco, California.

/s/ KAREN V. CLOPTON

Karen V. Clopton Chief Administrative Law Judge